



ZACHARY W. CARTER
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Elissa B. Jacobs
Special Federal Litigation
(212) 356-3540
(212) 356-3509 (fax)
ejacobs@law.nyc.gov

May 13, 2016

By ECF

Honorable Robert M. Levy
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Gonzalo Cortes, et al. v. City of New York, et al.,
1:14-cv-3014-SLT-RML

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of The City of New York, representing defendants in this action. I am writing to request a one-week extension of time to produce documents in accordance with Your Honor's Court Order of April 26, 2016. Plaintiff opposes the application on the grounds that the material at issue was requested in October 2014 and has now been the subject of repeated court orders and that defendants' application, if granted, will further delay plaintiff's ability to bring his claims to trial.

On April 26, 2016, Your Honor Ordered us to produce certain documents from the precinct as well as disciplinary files for the officers in this case. As of today, this office is producing the majority of the files ordered by the Court, including approximately 6000 pages of disciplinary files along with hundreds of audio and video files related to these disciplinary files and the FDNY records related to this incident. However, I do not yet have in my possession five IAB files related to Sgt. Rzonka. This office has been trying to get them for some time, and I am assured that we will be able to get them by the end of next week. In addition, my contacts at the 115th Precinct have been on vacation this week. Therefore, I am still waiting for personnel records as well as confirmation that copies of certain handwritten arrest records are not stored in the 115th precinct.¹

¹ I have already confirmed that none of the officers have these documents in their possession.

Honorable Judge Levy
Cortes v. NYC, et al.
May 13, 2016
Page 2

Defendants recognize that some of these items have been outstanding for quite some time, and we have been making attempts to retrieve them for quite some time. However, defendants are respectfully requesting one additional week in order to fully comply with this Order. As there are no depositions currently scheduled for next week, this brief delay should not delay the current discovery end date. I am therefore requesting an extension of time until MMay 20, 2016 to produce these documents. Thank you for your attention to this matter.

Respectfully submitted,

/s

Elissa B. Jacobs

cc: Gabriel Harvis Esq.
Attorney for Plaintiffs

By ECF